

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

URSULA FREITAS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 12-CV-05364 BHS-JRC

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 18.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and ORDER that the Commissioner's decision in regard to Plaintiff's applications for supplemental security income pursuant to Title

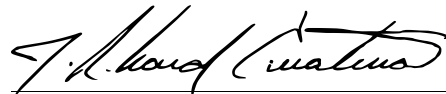
1 XVI of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social
2 Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

3 On remand, the Administrative Law Judge should give claimant an opportunity for a
4 hearing; update the medical record; address claimant's respiratory and neurogenic bladder
5 impairments at step two; reconsider claimant's residual functional capacity, and in so doing,
6 further evaluate the opinion evidence from treating and examining sources; further evaluate
7 claimant's credibility; reconsider the lay opinion evidence pursuant to Social Security Ruling 06-
8 03p, 2006 SSR LEXIS 5; seek supplemental vocational expert testimony, if warranted, to
9 determine whether or not there are a significant number of jobs in the national economy that
10 claimant can perform; and issue a new decision.

11 This Court further recommends that the ALJ take any other actions necessary to develop
12 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments
13 to the ALJ on remand.

14 Given the facts and the parties' stipulation, the Court recommends that the District Judge
15 immediately approve this Report and Recommendation and order the case be **REVERSED** and
16 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

17 Dated this 2nd day of October, 2012.

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20 J. Richard Creatura
21 United States Magistrate Judge
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